

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SHANNON WILLIAMS,)	
)	
Plaintiff,)	8:11CV446
)	
v.)	
)	
REYNOR RENSCH & PFIEFFER,)	MEMORANDUM AND ORDER
et al.,)	
)	
Defendants.)	
_____)	

This matter is before the Court on plaintiff's Motion for Reconsideration (Filing No. [69](#)). In his motion, plaintiff requests that the Court reconsider its previous decision to remand this matter to the Nebraska state court, action the Court took at plaintiff's request (Filing No. [59](#)). Plaintiff states that he would like this matter to remain in this Court "so he can pursue all of [his] claims against the defendants now," including all of his federal claims (Filing No. [59](#) at CM/ECF p. 1).

In addition, since the filing of plaintiff's Motion for Reconsideration, defendants Stuck, Bruck, and Brazda have retained the Assistant United States Attorney as counsel (Filing No. [79](#) . Indeed, these defendants also seek reconsideration of the Court's previous decision to remand this matter because defendants Stuck, Bruck, and Brazda "were federal officers acting under color of federal law for purposes of the actions alleged in Plaintiff's Complaints." (Filing No. [80](#) at CM/ECF p. 1.) This

fact was apparently unknown to either plaintiff or defendants at the time plaintiff sought remand. (Id. at CM/ECF pp. 1-3.)

The Court has carefully reviewed the record in this matter and finds that reconsideration is warranted. Because defendants Stuck, Bruck, and Brazda were federal officers during all relevant times, plaintiff's Second Amended Complaint contains allegations of federal law violations. This matter will therefore proceed as set forth below.

IT IS ORDERED:

1. Plaintiff's Motion for Reconsideration (Filing No. 69) is granted. The clerk of the court is directed to re-open this matter.

2. The clerk of the court is directed to send a copy of this Memorandum and Order to the District Court of Douglas County, Nebraska, and to take all necessary steps to inform that court that the previous order to remand is no longer in effect.

3. Plaintiff shall have until **December 20, 2012**, in which to file an amended complaint containing all claims, including all federal claims, against all defendants. In the event that plaintiff fails to do so, this matter will proceed on the claims set forth in the Amended Complaint (Filing No. 22) only.

4. Defendants shall file an answer or other responsive pleading no later than **January 22, 2013**.

5. Defendants' Motions to Withdraw (Filing Nos. [77](#) and [78](#)) are granted. Counsel for defendants is permitted to withdraw, as the Assistant United States Attorney has already made her appearance on behalf of defendants Bruck, Stuck, and Brazda.

DATED this 26th day of November, 2012.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court

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